

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 20218US02)

In the Application of:

Yi-Hsien Hao et al.

U.S. Serial No.: 09/492,265

Filed: January 27, 2000

For: MEMORY STRUCTURE FOR
RESOLVING ADDRESSES IN A
PACKET-BASED NETWORK
SWITCH

Examiner: Ng, Christine Y.

Group Art Unit: 2416

Confirmation No.: 9668

Customer No.: 23446

Certificate of Transmission

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March 16, 2009.

/Michael T. Cruz/
Michael T. Cruz
Reg. No. 44,636

2009 MAR 17 AM 9:53

Commissioner for Patents

P.O. Box 1450

Alexandria, VA. 22313-1450

Attention: Refund Section, Accounting Division, Office of Finance

**REQUEST FOR REFUND
(37 C.F.R. § 1.28(a))**

NOTE: 37 C.F.R. § 1.28(a): "(a) Refunds based on later establishment of small entity status. A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee."

NOTE: Submission of a Change of Status (small/not small entity status) after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(A) AND 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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- ☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Alexandria, VA, 22313
37 C.F.R. § 1.8(a)
- ☐ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee"
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TRANSMISSION

- ☐ facsimile transmitted to the Patent and Trademark Office, 571-273-6500
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Date: March 16, 2009

/Michael T. Cruz/
Michael T. Cruz, Reg. No. 44,636

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

I SUBMISSION OF SMALL ENTITY ASSERTION

(complete (a) or (b))

- (a) ☐ Attached is an assertion of small entity status in this application.
(b) ☐ An assertion of small entity status was filed in this application on _____

II REFUND REQUEST

This request for refund is made for the fee which was paid in this application on March 2, 2009, in the amount of \$ 540.00 (Notice of Appeal fee).

It is believed that Applicant has a credit for one Notice of Appeal Fee that was paid with respect to a Previous Notice of Appeal Fee dated December 20, 2007.

Applicant respectfully requests that the Previous Notice of Appeal Fee paid with the Previous Notice of Appeal dated December 20, 2007 be applied to the Present Notice of Appeal Fee due with the Present Notice of Appeal dated March 2, 2009 in accordance with M.P.E.P. § 1207.04.

The prosecution history, in relevant part, is as follows:

1st Notice of Appeal dated December 20, 2007 (\$510 fee paid)
Pre-Appeal Brief filed on December 20, 2007
Examiner reopens prosecution on February 29, 2008
Examiner mails Office Action on May 13, 2008

Thus, the Examiner reopened prosecution of the present application without the Appeal Brief ever reaching the Board of Patent Appeals and Interferences for a decision on the merits.

Subsequently, Applicant filed a 2nd Notice of Appeal dated March 2, 2009. It is therefore believed that Applicant has a credit of \$510 for the 1st Notice of Appeal Fee paid back on December 20, 2007.

The relevant portion of the M.P.E.P. is M.P.E.P. § 1207.04, which states:

If, appellant elects to continue prosecution and prosecution was reopened prior to a decision on the merits by the Board of Patent Appeals and Interferences, the fee paid for the notice of appeal, appeal brief, and request for oral hearing (if applicable) will be applied to a later appeal on the same application.

III. FEE PAID FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
<input type="checkbox"/> Filing Fee	\$ _____
<input type="checkbox"/> Surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. § 1.16(e) or 37 C.F.R. §1.16(l)).	\$ _____
or	
<input type="checkbox"/> Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e)).	\$ _____
<input type="checkbox"/> Surcharge for filing the basic filing fee on a date later than the filing date of the provisional application (37 C.F.R. § 1.51(c)(1) and 37 C.F.R. 1.16(l))	\$ _____
or	
<input type="checkbox"/> Surcharge for filing the cover sheet on a date later than the filing date of the provisional application (37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l))	\$ _____
<input type="checkbox"/> Extension of term	\$ _____
<input type="checkbox"/> Issue fee	\$ _____
<input type="checkbox"/> Patent maintenance fee	
<input type="checkbox"/> first maintenance fee	\$ _____
<input type="checkbox"/> second maintenance fee	\$ _____
<input type="checkbox"/> third maintenance fee	\$ _____
<input type="checkbox"/> Patent maintenance fee surcharge.	\$ _____
NOTE: The refund provisions of § 1.28(a), for later submitted small entity statements, apply to maintenance fees. Notice of July 30, 1984, 1046 O.G. 28-37.	
<input checked="" type="checkbox"/> Other (Notice of Appeal filing fee)	\$510.00
TOTAL REFUND REQUESTED	\$510.00

IV. MANNER OF REFUND

Please make refund by crediting:

- ☒ Deposit Account No. 13-0017
- ☐ Credit card as shown on the attached credit card information authorization form PTO-2038.
- WARNING:** Credit card information should not be included on this form as it may become public.
- ☐ refunding overpayment.

U.S. Application No. 09/492,265, filed January 27, 2000
Attorney Docket No. 20218US02
Request for Refund dated March 16, 2009

Respectfully submitted,

Date: March 16, 2009

/Michael T. Cruz/
Reg. No. 44,636
Customer No. 23446

McAndrews, Held & Malloy, Ltd.
500 West Madison Street
Suite 3400
Chicago, Illinois 60661
(312) 775-8000

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U.S. Application No. 09/492,265, filed January 27, 2000
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Respectfully submitted,

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/Michael T. Cruz/
Reg. No. 44,636
Customer No. 23446

McAndrews, Held & Malloy, Ltd.
500 West Madison Street
Suite 3400
Chicago, Illinois 60661
(312) 775-8000



PTO/SB/31 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

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**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**Docket Number (Optional)
20218US02

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on March 2, 2009.

Signature Michael T. Cruz
Typed or printed name Michael T. Cruz

In re Application of
Yi-Hsien Hao

Application Number
09/492,265

Filed
January 27, 2000

For **MEMORY STRUCTURE FOR RESOLVING ADDRESSES IN A
PACKET-BASED NETWORK SWITCH**

Art Unit
2416

Examiner
Ng, Christine Y.

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 540

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 13-0017. I have enclosed a duplicate copy of this sheet.
- ☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/98)
- ☒ attorney or agent of record.
Registration number 44,638.
- ☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

Michael T. Cruz
Signature
Michael T. Cruz
Typed or printed name

312-775-8000

Telephone number

March 2, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of one (1) form is submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9189 and select option 2.

03/06/2009 CCHAU1 00000031 130017 09492265

1 FC:1401 540.00 DA

Adjustment date: 03/25/2009 SDIRETA1

12/21/2007 SZEWDIE1 00000101 09492265

01 FC:1401 -510.00 OP

Adjustment date: 03/25/2009 SDIRETA1

03/06/2009 CCHAU1 00000031 130017 09492265

01 FC:1401 540.00 CR

03/25/2009 SDIRETA1 00000005 130017 09492265

01 FC:1401 30.00 DA 510.00 OP